

STATE OF SOUTH CAROLINA

IN RE: APPLICATION OF
Broadvox-CLEC, LLC

for a Certificate of Public
Convenience and Necessity to
Provide Local Exchange and
Interexchange Telecommunications
Services with the State
of South Carolina

)
)
) **BEFORE THE**
) **PUBLIC SERVICE COMMISSION**
) **OF SOUTH CAROLINA**
)
) **COVER SHEET**
)
) **DOCKET**
) **NUMBER: 2009 - 111 - C**
)
)

2/5905

Please type or print)

Submitted by: Lance J.M. Steinhart, P.C.

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

- ☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda
☐ Expediently
☐ Other: _____

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input checked="" type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input checked="" type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other: _____	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		

FILED DATE: OK D. Duke
SEVEN: OK D. Duke

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March 23, 2009

VIA OVERNIGHT DELIVERY

Mr. Charles Terreni
Chief Clerk of the Commission
South Carolina Public Service Commission
101 Executive Center Drive, Suite 100
Columbia, South Carolina 29210
(803) 896-5100

✓

RECEIVED
2009 MAR 24 10:10 AM
SOUTH CAROLINA
PUBLIC SERVICE
COMMISSION

Re: Broadvox-CLEC, LLC
Docket No. 2009-111-C

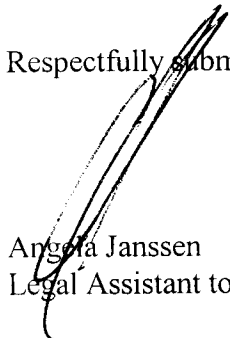
Dear Mr. Terreni:

Enclosed please find for filing an original and twenty-five (25) copies of the company's pre-filed testimony. The company does not intend to engage in telemarketing in the State of South Carolina.

I have enclosed an extra copy of this letter to be date-stamped and returned to me in the self-addressed, postage prepaid envelope I have provided.

If you have any questions or if I may provide you with any additional information, please do not hesitate to contact me. Thank you.

Respectfully submitted,


Angela Janssen
Legal Assistant to Lance J.M. Steinhart
Attorney for

Enclosures
cc: Alex Gertsburg (w/enc)

South Carolina Public Service Commission

March 23, 2009

Page 2

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BEFORE THE
PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NO. 2009-111-C

RECEIVED
2009 MAR 24 PM 10:11
PUBLIC SERVICE
COMMISSION

In the Matter of)	
)	
The Application of)	
Broadvox-CLEC, LLC)	
)	DIRECT TESTIMONY
for a Certificate of Public)	OF JEFF SLATER
Convenience and Necessity to)	
Provide Local Exchange and)	
Interexchange Telecommunications)	
Services with the State)	
of South Carolina)	

I. Introduction

1. **Q. Please state your name and business address.**

 A. My name is Jeff Slater. My business address is 1228 Euclid Avenue, Suite 390,
 Cleveland, Ohio 44115.

2. **Q. By whom are you employed and in what capacity?**

 A. I am the President of Broadvox-CLEC, LLC ("Broadvox-CLEC").

3. **Q. Please give a brief description of your background and experience in business
 and telecommunications.**

 A. See Exhibit D to our application.

Q. What is the purpose of your testimony?

A. The purpose of my testimony is to describe the nature of Broadvox-CLEC's proposed service offering within the State of South Carolina, and to demonstrate its financial, managerial, and technical ability to provide the telecommunications services for which authority is sought herein.

Q. Do you wish to incorporate by reference any documents into your testimony?

A. Yes. I wish to incorporate by reference the underlying Application filed in this proceeding and its associated attachments.

II. The Business of Broadvox-CLEC

Q. Has Broadvox-CLEC registered to do business in South Carolina?

A. Yes. Broadvox-CLEC is a Delaware Limited Liability Company that has received authorization to transact business within the State of South Carolina. A copy of Broadvox-CLEC's Certificate of Formation is attached to the Application as Exhibit A and a copy of the document of authorization from the State of South Carolina is attached to that Application as Exhibit B.

1 7. **Q. Please describe the services Broadvox-CLEC intends to provide within the**
2 **State of South Carolina.**

3
4 Broadvox-CLEC may offer a full array of services to both business and residential customers,
5 including the following:

6
7 Interexchange (switched and dedicated services):

- 8 A. 1+ and 101XXXX outbound dialing;
9 B. 800/888 toll-free inbound dialing;
10 C. Calling cards; and
11 D. Data Services.

12
13 Local Exchange:

- 14 A. Local Exchange Services for business and residence customers that will enable
15 customers to originate and terminate local calls in the local calling area served by
16 other LECs, including local dial tone and custom calling features.
17 B. Switched local exchange services, including basic service, trunks, carrier access, and
18 any other switched local services that currently exist or will exist in the future.
19 C. Non-switched local services (e.g., private line) that currently exist or will exist in the
20 future.
21 D. Centrex and/or Centrex-like services that currently exist or will exist in the future.
22 E. Digital subscriber line, ISDN, and other high capacity services.

23
24 Broadvox-CLEC will initially resell local and long distance services, and provide local service
25 though the use of use unbundled network elements utilizing the facilities of the existing LECs or
26 underlying carriers that presently serve South Carolina.

27
28 APPLICANT seeks authority to resell and provide through its own facilities local
29 exchange services throughout the State primarily in the areas served by AT&T. Applicant's local
30 calling areas initially will coincide with the incumbent local exchange carrier's local calling
31 areas. Applicant has no plans to install facilities in the State of South Carolina. Its services will
32 be available on a full-time basis, twenty-four hours a day, seven days a week, to customers within

1 the geographic boundaries of the State of South Carolina. Customers will be billed by
2 APPLICANT. Applicant is committed to providing access to a local operator, directory
3 assistance, 911 services, and dual relay services. Applicant is also willing to accept its
4 obligations to collect 911 and dual relay service surcharges from its local exchange customers,
5 and to remit those funds to the appropriate authorities.

6 8. **Q. What carrier will Broadvox-CLEC utilize as its underlying carrier for services**
7 **in South Carolina?**

8 A. For interexchange service, Broadvox-CLEC intends to utilize incumbent local
9 exchange carriers in the Proposed Service Area and other equivalent providers as
10 its underlying interexchange carriers. Broadvox-CLEC intends to offer service
11 offer local service using facilities of the incumbent local exchange telephone
12 companies ("LECs") certificated to provide local exchange service in the State of
13 South Carolina. The company intends to initially negotiate with BellSouth.

14 9. **Q. Does Broadvox-CLEC have authorization to provide intrastate**
15 **telecommunications services in any other state?**

16 A. Yes. Broadvox-CLEC is currently authorized to provide interexchange services
17 in Colorado, Idaho, Indiana and Iowa, and is currently authorized to provide local
18 and interexchange services in Kentucky, New Jersey, Rhode Island, Vermont and
19 Washington. Applicant is in the process of applying for authorization to provide
20 competitive local exchange and interexchange services throughout the United
21 States. Applicant has not been denied authority for any of the services for which
22 it seeks authority in this Application. Applicant is not currently providing service
23 in any state.

1 10. **Q. Has Broadvox-CLEC ever had an application for a certificate of public**
2 **convenience and necessity denied?**

3 A. No.

4 11. **Q. Does Broadvox-CLEC intend to file a tariff with the Commission?**

5 A. Yes. Broadvox-CLEC filed an interexchange tariff as Exhibit F and a local price
6 list as Exhibit E to its Application in this proceeding that it will modify as
7 necessary in order to meet the Commission's requirements. We believe
8 Broadvox-CLEC's Tariff and price list will comport with all Orders, Rules, and
9 Regulations of the Commission.

10 12. **Q. Will Broadvox-CLEC comply with the Commission's orders regarding the**
11 **provision of interexchange and local services?**

12 A. Yes. Broadvox-CLEC will at all times provide and market services in accordance
13 with current Commission policies. In particular, Broadvox-CLEC is familiar with
14 Commission Order No. 93-462 regarding resale of intraLATA
15 telecommunications services and will attempt to comply with the terms of that
16 order in every respect possible. In addition, Broadvox-CLEC at all times will
17 provide interstate services in compliance with all FCC rules and regulations.
18 Broadvox-CLEC will at all times provide and market services in accordance with
19 current Commission policies and will attempt to comply with the terms of that
20 order in every respect possible.

21 13. **Q. Has Broadvox-CLEC provided any intrastate telecommunications services**
22 **within the State of South Carolina?**

23 A. No it has not.

24 14. **Q. What rates will Broadvox-CLEC charge upon receipt of certification?**

25 A. Broadvox-CLEC will charge the tariffed rates approved by the Commission.

1 15. **Q. How will Broadvox-CLEC market services in South Carolina?**

2 A. Broadvox-CLEC intends to market its services via direct sales by Broadvox-
3 CLEC's employees.

4 **III. Managerial, Technical and Financial Qualifications**

5 16. **Q. Does Broadvox-CLEC have sufficient managerial, technical, and financial**
6 **resources and ability to provide the telecommunications services proposed in**
7 **its Application?**

8 A. Yes. Broadvox-CLEC has sufficient technical, financial, and managerial resources
9 and ability to provide the telecommunications services for which authority is
10 sought herein. Broadvox-CLEC's personnel represent a broad spectrum of
11 business and technical disciplines, possessing many years of individual and
12 aggregate telecommunications experience.

13 The qualifications and experience of Broadvox-CLEC's key management team
14 are discussed on Exhibit D which is attached to our Application in support of
15 Applicant's managerial and technical ability to provide the services for which
16 authority is sought herein.

17 17. **Q. How does Broadvox-CLEC handle customer service requests?**

18 A. Broadvox-CLEC's customer service representatives are available to assist its
19 customers and will promptly respond to all customer inquiries. Customers may
20 call (877) 884-6597 or a local number. The applicable toll free or local
21 numbers will be printed on customers' monthly billing statements. Alternately,
22 customers wishing to communicate with a Broadvox-CLEC customer service
23 representative in writing may send written correspondence to Broadvox-CLEC
24 at:

Broadvox-CLEC, LLC
ATTN: Customer Service
1228 Euclid Avenue, Suite 390
Cleveland, Ohio 44115

Broadvox-CLEC's customer service representatives are prepared to respond to a broad range of service matters, including inquiries regarding: (1) the types of services offered by Broadvox-CLEC and the rates associated with such services; (2) monthly billing statements; (3) problems or concerns pertaining to a customer's current service; and (4) general service matters.

18. **Q. Please describe the financial condition of Broadvox-CLEC.**

A. In support of Broadvox-CLEC's financial ability to provide the services sought herein, copies of Broadvox-CLEC's Broadvox, Inc. & Subsidiaries Consolidated Financial Statements for the years ended December 31, 2005, December 31, 2006 and December 31, 2007, were submitted as Exhibit C to its Application.

IV. Public Interest

19. **Q. How will residents of South Carolina benefit from Broadvox-CLEC's services and presence in South Carolina?**

The Commission's grant of this certificate is in the public interest because consumers of telecommunications services within Broadvox-CLEC's service territory will receive increased choice, improved quality of service, and heightened opportunities to obtain improved technology in the homes and businesses. Market incentives for new and old telecommunications providers in South Carolina will be improved greatly through an increase in the diversity of suppliers and competition within the local exchange telecommunications market. Consistent with the Commission's intent to aid in the development of a

1 competitive telecommunications environment in South Carolina, the granting of a
2 certificate of authority to provide local exchange service will offer increased
3 efficiency to the State's telecommunications infrastructure through greater
4 reliability of services and an increase in competitive choices.

5
6 20. Q. **Has the Company ever been the subject of an investigation by any state**
7 **Regulatory body or by the FCC?**

8 A. No.

9 21. Q. **Will the Company agree to abide by and comply with the Commissions Rules**
10 **and Regulations and Commission Orders in its operations in South**
11 **Carolina?**

12 A. Yes.

13 22. Q. **Does this conclude your testimony?**

14 A. Yes. I would like to thank the Commission for this opportunity to provide
15 information relevant to Broadvox-CLEC's Application and am ready to provide
16 any additional information that the Commission may need in making its decision.